

SERVICE DATE – JUNE 17, 2019

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. FD 36298

NAVAL NUCLEAR PROPULSION PROGRAM, UNITED STATES ARMY MILITARY  
SURFACE DEPLOYMENT AND DISTRIBUTION COMMAND, AND FLUOR MARINE  
PROPULSION, LLC—PETITION FOR DECLARATORY ORDER

Decided: June 14, 2019

On April 30, 2019, the Naval Nuclear Propulsion Program, the United States Army Military Surface Deployment and Distribution Command, and Fluor Marine Propulsion, LLC (collectively, the Government), filed a petition seeking a declaratory order related to the regulatory status of a rail segment near Ballston Spa, N.Y., and the obligations of Delaware and Hudson Railway Company d/b/a Canadian Pacific (CP) as to shipments on the segment.

The Board adopted a procedural schedule in a decision served on May 14, 2019. In that decision, the Board asked the parties to inform the agency whether they are interested in participating in Board-sponsored mediation. On May 31, 2019, the Government responded that it is willing to engage in mediation. On June 6, 2019, CP replied that it is agreeable to mediation.

Within 10 days of the service date of this decision, the Chairman will appoint one or more mediator(s). Once appointed, the mediator or mediators will contact the parties to discuss the time and location of any meetings, and other matters. At least one principal of each party, who has authority to commit that party, shall participate in the mediation and be present at any session at which the mediator or mediators request(s) that the principal be present. The mediation period shall be 30 days, beginning on the date of the first mediation session. 49 C.F.R. § 1109.3(b). The Board may extend mediation pursuant to mutual written requests of all parties to the mediation proceeding. Id. The mediator or mediators are instructed to inform the Board when mediation has ended, with or without a resolution.

It is ordered:

1. Mediation will be initiated as discussed above.
2. This decision is effective on its service date.

By the Board, Allison C. Davis, Director, Office of Proceedings.